

Deb Barnes

From: Pitt, Leesha <Leesha.Pitt@act.gov.au>
Sent: Monday, May 30, 2016 4:39 PM
To: O'Leary, Ryan
Cc: Finch, Stuart; Heckenberg, Mark
Subject: BRU Approval No 201621 - Block 18 Section 11 Mitchell [SEC=UNCLASSIFIED]

Dear Mr O'Leary,

The Environment Protection Authority (EPA) has reviewed the report titled "Block 18 Section 11 Mitchell ACT Material Classification Report" dated 24 May 2016 by SMEC Australia Pty Ltd and supports the beneficial reuse of up to 30m³ of stockpiled material, as identified in the above report, from Block 18 Section 11 Mitchell within the West Belconnen Resource Management Centre (Block 1586 Belconnen) subject to the following conditions:

1. This approval only applies to the stockpiled material identified in the above report. No other material from the site is to be removed under this approval (**BRU Approval No 201621**);
2. Separate approval must be sought if the material is to be reused or disposed to any other site;
3. The placement of material within the West Belconnen Resource Management Centre at Block 1586 Belconnen must be in accordance with the requirements of the conditions of the Environmental Authorisation (No. 0374) issued to **ACT NOWaste** for the site;

Regards

Leesha Pitt
Delegate, Environment Protection Authority

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ACT
Government

Chief Minister, Treasury and
Economic Development



File Ref: 2015/27987

Mr Ryan O'Leary
SMEC Australia Pty Ltd
Suite 2, Level 1 243 Northbourne Ave
Lyneham ACT 2602

Dear Mr O'Leary

**ENDORSEMENT OF CONTAMINATION ASSESSMENT REPORT -
BLOCK 18 SECTION 11 MITCHELL GUNGAHLIN**

The Environment Protection Authority (EPA) has reviewed the report titled "Block 18 Section 11 Mitchell, ACT Lead Paint Assessment" dated 30 May 2016 by SMEC Australia Pty Ltd.

The EPA has assessed the report and supports the consultant's findings that the soils assessed "do not pose a risk to human receptors" from a contamination perspective and the results of analysis indicate that the paint on the shipping container is considered 'lead free'. The EPA would therefore support the use of the site as a childcare facility.

The works have been generally undertaken to the satisfaction of the EPA in accordance with the Contaminated Sites Environment Protection Policy November 2009 and associated guidelines.

This letter of endorsement must be read in conjunction with the above report.

This should not be taken as a warranty by the Environment Protection Authority or the Territory that the land is fit for any particular purpose.

Yours sincerely



Leesha Pitt
Delegate, Environment Protection Authority

2 June 2016



ACT
Government
Education and Training

Re: Development of an education and care centre at Block 18, Section 11, Mitchell ACT.

To whom it may concern

This letter is to advise that Children's Education and Care Assurance has made an assessment of Block 18, Section 11, Mitchell ACT and gives 'in principle' support to the variation of the Crown lease to add the use 'education and care centre' to the purpose clause.

The site is located in close proximity to green belt buffer zones with established trees and the adjacent properties are currently occupied by low intensity businesses. If an education and care centre is constructed on this site it would provide a convenient facility for workers in the local area.

This endorsement is provided for purposes of the lease variation and does not provide any assurance that an education and care service built on this block will be approved to operate.

Children's Education and Care Assurance has also made an assessment of the design proposal for the development of an education and care centre on this site. The planning arrangements proposed in the drawings are considered to have met the current regulatory requirements and the proposed arrangement is endorsed in principle.

This endorsement is provided for the design as documented on the plans provided and does not remove the requirement for the facility to undergo a formal review of completed works prior to approval and operation.

If you require any additional information please contact me on 62071093.

Yours sincerely

[Redacted Signature]
Susan Sullivan
Manager
Children's Education and Care Assurance
19 October 2015



ACT
Government

Chief Minister, Treasury and
Economic Development

File Ref: New file

Ms Mechelle Swanepoel
ACT Environment Manager
SMEC Australia Pty Ltd
Suite 2, Level 1 243 Northbourne Ave
Lyneham ACT 2602

Dear Ms Swanepoel

**COMMENT ON PRELIMINARY SITE INVESTIGATION REPORT -
BLOCK 18 SECTION 11 MITCHELL GUNGAHLIN**

Environment Protection has reviewed the report titled "Preliminary Site Investigation, Block 18, Section 11, Mitchell, ACT" dated 6 November 2015 by SMEC Australia Pty Ltd.

Environment Protection has assessed the report and supports the findings that "SMEC consider the Site to be currently unsuitable for the proposed child care facility."

As a result of these findings Environment Protection is not in a position to recommend to the Environment Protection Authority (EPA) that he support the lease variation for the site at this time.

Prior to the EPA making a determination as to the suitability of the site, from a contamination perspective, for the proposed uses under the lease variation further assessment of the site must be undertaken by a suitably qualified environmental consultant.

Any future assessment must make specific comment on the suitability of the site for the proposed uses under the lease variation.

The findings of future assessments must be reviewed and endorsed by the EPA prior to the site being used for other purposes.

All future assessment, remediation and audit of the site must be in accordance with the guidelines endorsed by the Environment Protection Authority.

Yours sincerely



Mark Heckenberg
Manager, Contaminated Sites
Construction, Environment and Workplace Protection
10/11/2015

From: [ACAT, Admin Review](#)
To: [EPD, Customer Services](#)
Subject: AT 14/2019 Konstantinou Developments Pty Ltd v ACT Planning and Land Authority [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 25 February 2019 13:47:00

Good afternoon,

The Tribunal has received an Application for Review in relation to DA 201733198 (Block 18, Section 11, Mitchell).

A copy of this application will be provided to you once it have been processed.

Kind Regards

Samantha | Team Leader | Administrative Review, Occupational Regulation, Discrimination and Appeals Section

Phone: +61 2 6207 7426 | Fax: +61 2 6205 4855

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street, Canberra City 2601 | GPO Box 370 Canberra ACT 2601 | www.acat.act.gov.au

From: [ACAT, Admin Review](#)
To: morganbryant@kgroup.com.au
Cc: [EPD, Customer Services](#)
Subject: AT 14/2019 - Konstantinou Developments Pty Ltd v ACT Planning and Land Authority [SEC=UNCLASSIFIED]
Date: Tuesday, 26 February 2019 11:11:55

Dear Mr Bryant,

I am writing in relation to an application for a review of a decision that the Tribunal has received regarding the above mentioned parties.

The Tribunal wishes to clarify that the application that has been lodged is seeking review of the reconsideration decision dated 31 January 2019? As the other dates for decision mentioned on the application are out of time.

Are you able to clarify this as soon as possible so the Tribunal is able to continue with the application?

Kind Regards,

Kyle | Registry Support Officer | Administrative Review, Occupational Regulation, Discrimination and Appeals Section

Phone: +61 2 6207 7426 | Fax: +61 2 6205 4855

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street, Canberra City 2601 | GPO Box 370 Canberra ACT 2601 | www.acat.act.gov.au

From: [EPD, Customer Services](#)
To: [Davies, Richard](#); [Teasdale, Jonathan](#)
Subject: FW: AT 14/2019 Konstantinou Developments Pty Ltd v ACT Planning and Land Authority [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Tuesday, 26 February 2019 08:37:00
Attachments: [image001.png](#)

Heads up on another appeal coming in.

Kind Regards,

Samantha | Assistant Manager - Customer Coordination

Phone: 02 6207 1923 | Email: epdcustomerservices@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

16 Challis Street Dickson, ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR

cid:image003.png@01D3AFF2.FEECBAF0



From: ACAT, Admin Review

Sent: Monday, 25 February 2019 1:47 PM

To: EPD, Customer Services <EPDCustomerServices@act.gov.au>

Subject: AT 14/2019 Konstantinou Developments Pty Ltd v ACT Planning and Land Authority [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good afternoon,

The Tribunal has received an Application for Review in relation to DA 201733198 (Block 18, Section 11, Mitchell).

A copy of this application will be provided to you once it have been processed.

Kind Regards

Samantha | Team Leader | Administrative Review, Occupational Regulation, Discrimination and Appeals Section

Phone: +61 2 6207 7426 | Fax: +61 2 6205 4855

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street, Canberra City 2601 | GPO Box 370 Canberra ACT 2601 | www.acat.act.gov.au

From: [Borrett, Samantha](#)
To: [Law-Jamieson, Katherine](#); [Davies, Richard](#); [Teasdale, Jonathan](#)
Subject: Tribunal Documents for AT 14/2019 [SEC=UNCLASSIFIED]
Date: Friday, 22 March 2019 10:35:00
Attachments: [image001.png](#)

Good morning,

The courier is picking up the Tribunal Documents this morning for AT 14/2019, they will be delivered to the ACAT and GSO.

The applicant's representative has advised he will collect their copy from the Access Canberra shopfront in Dickson sometime today.

Kind Regards,

Samantha | Assistant Manager - Customer Coordination

Phone: 02 6207 1923 | Email: epdcustomerservices@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

16 Challis Street Dickson, ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR

cid:image003.png@01D3AFF2.FEECBAF0



From: [Borrett, Samantha](#)
To: [Messer, Sue](#)
Subject: New ACAT Appeal AT 63/2016 - 201528763 [SEC=UNCLASSIFIED]
Date: Monday, 17 October 2016 13:55:00
Attachments: [20161017-ACAT Appeal DA 201528763 - AT 63 2016.obr](#)
[20161017-Directions and Directions Hearing#2.obr](#)
[AT 63 2016.obr](#)

Good afternoon,

We have been notified by the ACAT of a new appeal application submitted by Konstantinou Developments Pty Limited re: Block 18 Section 11 Mitchell – DA 201528763

Attached is a reference to the application that was lodged with the ACAT.

Could you please ensure all of the relevant documents relating to the decision have been placed into the Objective file, and have been published? If there are any documents on paper files that are considered to be relevant to the review and are to be included in the T-doc can you forward them to the ACAT Co-ordination Unit so that we can commence preparation of the T-doc.

The ACAT requires that a person who has made a decision that is the subject of review provide "a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision". If this statement has not already been provided as part of the decision could you please provide it as soon as possible so that it can be included in the T-doc.

The T-doc is due at the tribunal by COB Monday 14 November 2016.

If you require the assistance of the Government Solicitors Office, a brief will need to be completed and forwarded to Anne Saunderson as soon as possible. For your information, attached is a sample of a brief that you can adapt to suit your requirements.

Kind Regards,

Samantha | ACAT Secretariat

Phone 02 6205 3825

Customer Services | Access Canberra

Environment, Planning and Land

Building Services

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GPO Box 158 Canberra ACT 2601

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From: [Borrett, Samantha](#)
To: "Deb Barnes"
Subject: FW: Notification Of ACAT Appeal - DA 201528763 - 18/11 Mitchell - Applicant of DA [SEC=UNCLASSIFIED]
Date: Monday, 17 October 2016 14:28:00
Attachments: [image001.jpg](#)

My apologies, I've got 3 appeals going on at the moment. Corrected email below.

ADVICE OF APPLICATION FOR A REVIEW OF A DECISION

ACT CIVIL AND ADMINISTRATIVE TRIBUNAL APPLICATION NO: AT 63/2016
ACAT APPLICANT: Konstantinou Developments Pty Ltd
Blocks 18 Section 11 Mitchell
Development Application Number: 201528763

You are advised that Konstantinou Developments Pty Ltd has made an application to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision to approve with conditions the above application.

As the Applicant of the above development application you may apply to the Tribunal, by **31 October 2016**, to be made party to the proceedings before the Tribunal. I enclose a copy of the direction made by the Tribunal and a copy of the application for review of a decision in respect of this matter.

For further information on the review process the Tribunal may be contacted on 02 6207 1740 or you can access information from their web site www.acat.act.gov.au.

The address of the ACAT is:

ACT Civil and Administrative Tribunal
Tribunal
Level 4, 1 Moore Street (the Health building)
CANBERRA CITY ACT 2601

OR

ACT Civil and Administrative
GPO Box 370
CANBERRA ACT 2601

Yours sincerely

Samantha | ACAT Secretariat

Phone 02 6205 3825

Customer Services | Access Canberra

Environment, Planning and Land

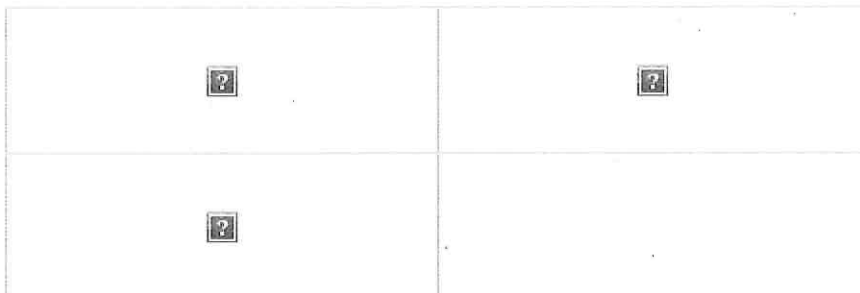
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From: [Borrett, Samantha](#)
To: [REDACTED]
Subject: Notification of ACAT Appeal - DA 201528763 - 18/11 Mitchell - Representor [SEC=UNCLASSIFIED]
Date: Monday, 17 October 2016 14:00:00
Attachments: [image001.jpg](#)
[20161017-Directions and Directions Hearing#2.pdf](#)
[20161017-ACAT Appeal DA 201528763 - AT 63 2016#4.pdf](#)

ADVICE OF APPLICATION FOR A REVIEW OF A DECISION

ACT CIVIL AND ADMINISTRATIVE TRIBUNAL APPLICATION NO: AT 63/2016
ACAT APPLICANT: Konstantinou Developments Pty Ltd

Block 18 Section 11 Mitchell
Development Application Number: 201528763

You are advised that the above ACAT Applicant has made an application to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision to approve with conditions the above development application.

As a person who made a representation on the above development application you may apply to the Tribunal by **31/10/2016**, to be made party to the proceedings for the review. I enclose a copy of the direction made by the ACAT, and a copy of the application for review of a decision in respect of this matter.

For further information on the review process the Tribunal may be contacted on 02 6207 1740 or you can access information from their web site www.acat.act.gov.au.

The address of the ACAT is:

ACT Civil and Administrative Tribunal
Tribunal
Level 4, 1 Moore Street (the Health building)
CANBERRA CITY ACT 2601

OR

ACT Civil and Administrative
GPO Box 370
CANBERRA ACT 2601

Yours sincerely

Samantha | ACAT Secretariat

Phone 02 6205 3825

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From: [Myers, Rhonda](#)
To: [Joseph, Gabriel](#)
Cc: [Messer, Sue](#)
Subject: AT 63/2016 - Block 18 Section 11 Mitchell - DA201528763 [SEC=UNCLASSIFIED]
Date: Friday, 4 November 2016 13:58:00
Attachments: [COMM-TCCS-RECONSIDERATION-201528763-1811 MITCHELL-01 SECUNCLASSIFIED.msg](#)
[COMM-TAMS-201528763-1811 MITCHELL-01.msg](#)

Dear Gabriel,

I refer to your conversation with Sue Messer, Manager, DA Leasing this afternoon about the above appeal and expert advice re traffic. Please find attached a copy of the two advices received from Asset Acceptance with regards to the proposal.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration

Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.planning.act.gov.au

From: [Chowdhury, Abu Sayem](#)
To: [EPD, Customer Services](#)
Cc: [TAMS CIS ASG DA COORD](#); [Bell, Jeff](#); [Pankhurst, Owen](#)
Subject: COMM-TCCS-RECONSIDERATION-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: Friday, 5 August 2016 11:15:54
Attachments: [image001.jpg](#)

Dear App Sec,

DEVELOPMENT APPLICATION NO: 201528763

Project Description:

Reconsideration LEASE VARIATION – to add “Community Use Limited to Childcare Centre”

BLOCK: 18	SECTION: 11	SUBURB: Mitchell
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This DA has been assessed in regards to the following:

Traffic		Driveways	
On Street / Public Parking Facility	X	LMPP/Street Trees	
Public Transport		Street Lighting	
Waste Management	X	Pedestrian Footpath	X
Stormwater	X	Service / Access Easement	
Demolition		Estate Development Plan (EDP)	
Further Information		Amendments/Additions/Alterations	
Lease Variation	X	Capital Works	

X = Areas Assessed.

And our position is:

That It Is Supported	
That It Is Supported With Conditions	X
That It Is Not Supported	
That Further Information Is Required	

Conditions

Childcare centre on this subject site (18/11 Mitchell) can only be supported subject to following conditions:

1. All pick up and drop off parking facility must be either within the block boundary or potential indented parking adjacent to the site along Heffernan Street. In the later case the proponent must be responsible for design and construction of indented parking and footpath (around the site) to the TCCS requirements.
2. The proponent must be responsible for onsite waste collection in accordance with the Development Control Code for Best Practice Waste Management in the ACT (Waste Code) 2014. This will be checked during actual design and construction development application.

Comments/Advice (as advice to EPD only, and not to be included in the Notice of Decision)

1. On street pick up and drop off on Heffernan Street is not suitable from a traffic management and safety perspective.

Regards

Abu Sayem Chowdhury

Senior Engineer - Development Assessment | Asset Acceptance

Phone 02 6205 9091 | Email: abusayem.chowdhury@act.gov.au

Strategy, Innovation and Customer Experience | Transport Canberra and City Services Directorate | ACT Government

12 Wattle Street, Lyneham | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Connected services for the people of Canberra

From: EPD, Customer Services

Sent: Monday, 18 July 2016 3:06 PM

To: TAMS CIS ASG DA

Subject: REFERRAL-TAMS-RECONSIDERATION-201528763-18/11 MITCHELL-01
[SEC=UNCLASSIFIED]

PLEASE DISREGARD PREVIOUS EMAIL

Good Afternoon,

The Environment and Planning Directorate has received an Application for Reconsideration for the following Development Application:

Block: 18 Section: 11 Suburb: MITCHELL
Development Application Number: 201528763

The Application for reconsideration is being applied against REFUSAL OF PROPOSAL.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **05/08/2016** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au
If you require any further information please contact customer service on 6207 1923.

Kind Regards

Jenna

Phone 02 6207 1923

Customer Services | Access Canberra

Environment, Planning and Land

Building Services

16 Challis Street, Dickson | 8 Darling Street, Mitchell

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From: [Chowdhury, Abu Sayem](#)
To: [EPD, Customer Services](#)
Cc: [TAMS CIS ASG DA COORD](#); [Bell, Jeff](#)
Subject: COMM-TAMS-201528763-18/11 MITCHELL-01
Date: Friday, 29 January 2016 15:19:15
Attachments: [image001.jpg](#)

Dear App Sec,

DEVELOPMENT APPLICATION NO: 201528763

Project Description:

LEASE VARIATION – to add “Community Use Limited to Childcare Centre”.

BLOCK: 18	SECTION: 11	SUBURB: Mitchell
------------------	--------------------	-------------------------

This DA has been assessed in regards to the following:

Traffic	X	Driveways	
On Street / Public Parking Facility		LMPP/Street Trees	
Public Transport		Street Lighting	X
Waste Management		Pedestrian Footpath	X
Stormwater		Service / Access Easement	
Demolition		Estate Development Plan (EDP)	
Further Information		Amendments/Additions/Alterations	
Lease Variation	X	Capital Works	

X = Areas Assessed.

And our position is:

That It Is Supported	
That It Is Supported With Conditions	
That It Is Not Supported	
That Further Information Is Required	X

Conditions

1. The proponent needs to submit a traffic and parking assessment report to justify the suitability of a childcare centre from traffic management and safety perspective.
2. The traffic and parking assessment report must include potential transport options, impact on adjacent road network and safe pick up and drop off facilities requirement for a childcare centre on the subject site. Based on the analysis the traffic report must recommend optimum number of childcare spaces on the subject site and any traffic management and safety measures required such as off-street parking, pedestrian connection or crossing facilities etc.

Regards

Abu Sayem Chowdhury
Senior Engineer - Development Assessment

Asset Acceptance | Territory Asset Information & Management

Infrastructure, Roads & Public Transport
Territory & Municipal Services Directorate (TAMS) | ACT Government

☎Ph: (02) 6205 9091 | 📠Fax: (02) 6207 7484 ✉Email: abusayem.chowdhury@act.gov.au

"Great Services - Quality Assets - Better Lifestyles"

From: EPD, Customer Services
Sent: Monday, 11 January 2016 2:55 PM
To: TAMS CIS ASG DA
Subject: REFERRAL-TAMS-201528763-18/11 MITCHELL-01

NOTE FOR REFERRAL: Childcare in industrial zone

MANDATORY REFERRAL

DEVELOPMENT APPLICATION NO: 201528763
BLOCK: 18 SECTION: 11 DIVISION: MITCHELL

Description: LEASE VARIATION - Please see application form for description.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**02/02/2016**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services –
EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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